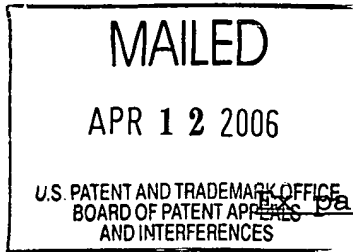UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

_____

Ex parte JUNICHI HAYAKAWA and TAKAHARU ICHIRYU

_____

Application No. 09/890,863

_____

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

_____

This application was electronically received at the Board of Patent Appeals and Interferences on March 9, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed an Information Disclosure Statement (IDS) on November 25, 2003. It is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

In addition, on December 12, 2005, the examiner mailed an Examiner's Answer. A review of the Answer reveals that the examiner relies upon Derwent Abstract of the Research Disclosure

Application No. 09/890,863

RD 354039A but does not provide a complete copy of the reference or a full-text translation of said reference, if necessary.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

(1) consider the IDS filed on November 25, 2003, and to provide written notification to appellants of consideration;

(2) provide a complete copy of the Derwent Research Disclosure RD 354039A, or a translation of the reference if necessary, and to have the documents electronically scanned, as well as to provide appellants a copy of said documents; and

(3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____
DALE M. SHAW
Program and Resource Administrator
(571) 272-9797

cc: Eric Robinson
PMB 955
21010 Southbank St.
Potomac Falls, VA 20165

DMS/clm